

AFFIDAVIT  
of  
Kathleen M. Aug

I, Kathleen M. Aug, being duly sworn state as follows:

1. Your affiant is employed as a Special Agent (SA) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and I am charged with investigating violations of Federal Contraband Cigarette Trafficking Act (CCTA). Your affiant has been employed by ATF since January 27, 1991 and is currently assigned to the Springfield Field Office, Springfield, Missouri.
2. Based upon your affiant's training and experience, your affiant knows that it is a violation of Title 18, U.S.C , Section 371 for individuals to Conspire to violate Federal law, to wit: Title 18, U.S.C., Section 2342(a).
3. Your affiant knows from other federal and state law enforcement officers and agents the following:
4. On 04/27/2012 Missouri State Highway Patrol Sgt. Nash related to ATF SA James Patterson that he was contacted by an employee of American Self Storage located at 703 Kathryn, Nixa, Missouri, regarding a subject from New York who rented a 10ft by 10 ft storage locker. Sgt. Nash stated the employee told him the locker she/he was suspicious of had a vacant locker next to it. The employee related while cleaning out the vacant locker they looked over the partition wall and observed several cases of Newport cigarettes in the locker in question.
5. The employee provided Sgt. Nash with a copy of the rental agreement. This rental agreement identified the renter as: Mamadou S. BARRY, B/M, 01/01/1983, 192 Bradhurst, New York, NY (real name believed to be Barry S. MAMADOU (MAMADOU), B/M, 01/01/1983).
6. On 04/30/2012, Sgt. Nash, IRS SA Scott Wells and SA Patterson responded to the storage facility and made contact with the owner Mr. Ken Beck. Mr. Beck explained that the storage unit H-2 rented to MAMADOU has had a lot of activity. He stated MAMADOU had indicated that he was storing household goods in his locker and that he was living in a hotel in Springfield while he searched for a place to live. Mr. Beck advised that their electronic security system has shown a high volume of use by MAMADOU's entry code. He further explained that typically at least two black males driving vehicles with out of state license plates will enter the property and go to the storage locker rented by MAMADOU. He stated they only stay a few minutes and visit the locker two to three times a day. He advised they always park in such a way that the surveillance camera's view is blocked regarding their movement in and around the storage locker. Mr. Beck provided Agents with photographs he took of the storage unit from the vacant storage unit next to the one in question. These photographs showed half cases (30 cartons) of Newport brand cigarettes. Upon viewing these photographs, your affiant and other Agents discovered printing on the side of one of the boxes which lead Investigators to believe the cigarettes were purchased from Sam's Clubs in Springfield, Missouri.
7. During the investigation, SA Patterson and your Affiant made contact with Greg Sherry the Loss Prevention Manager of the Sam's Club located at 3660 East Sunshine, Springfield, Missouri. Mr. Sherry explained to the Agents that he had identified a Sam's Club Member who had been

purchasing numerous cartons of Newport Cigarettes from their store using Wal-Mart pre-paid gift cards. Mr. Sherry identified that member as MAMADOU, Sam's Membership number 597564475. Mr. Sherry queried the Sam's Club database and told your Affiant and SA Patterson that MAMADOU obtained his membership to Sam's club on 08/04/2011 at the Sam's Club located in Colonial Heights, Virginia. On that date and continuing to at least 05/21/2012, MAMADOU has purchased in excess of 1100 cartons of Newport cigarettes from the following Sam's Club Stores- Store #6342 Tulsa, Oklahoma; Store #6415 Joplin, Missouri; Store #4707 Overland Park, Kansas; Store #4920 Saint Joseph, Missouri; Store #8207 Kansas City, Missouri; Store #8243 Grandview, Missouri; Store #4985 Springfield, Missouri; Store #8296 Springfield, Missouri; and Store # 6524 Colonial Heights, Virginia.

8. According to Sam's Club records, on 05/21/2012, MAMADOU's membership purchased 29 cartons of Newport cigarettes from Club #8296 (Springfield, Missouri East Location) and 35 cartons of Newport cigarettes from Club #4985 (Springfield, Missouri South Location).
9. While obtaining surveillance footage of MAMADOU purchasing cigarettes using Wal-Mart gift cards, Ms. Kristin Hilsen, the Loss Prevention Manager of the Springfield Sam's Club #4985, alerted SA Patterson to another individual who seemed to be making some purchases in conjunction with MAMADOU. Ms. Hilsen identified this subject as Sadou DIALLO, B/M, 08/11/1982, 1571 Sheridan Avenue, Apartment 61B, Bronx, NY, 10457, Phone (347)-812-2942, Sam's Club Membership 6233939. Ms. Hilsen advised that it appears that DIALLO obtained his Sam's Club Membership at Store #4985, Springfield, Missouri. Your affiant has not been able to find a record of this individual in NCIC. This subject is tentatively identified by Sam's Club records only.
10. On 05/23/2012, with the permission of the management of the storage facility located at 703 Kathryn, Nixa, Missouri, Agents installed a camera that would capture the activity around storage unit H-2. This is the unit currently rented by MAMADOU.
11. On 05/25/2012, at approximately 1406 hours, the camera recorded a Toyota four door vehicle bearing Maryland license 6AE1789, arrived at the storage unit. This vehicle was occupied by an unidentified Black Male subject. This subject was observed to unload items from the trunk of the vehicle. A short time later SA Patterson was notified by an employee of the Tobacco Section of the Sam's Club located at 3660 E. Sunshine that a black male had just purchased at least 60 cartons of Newport cigarettes using Wal-Mart gift cards. The employee advised that the name on the Sam's Club membership was Alieu BARRY, believed to be Alieu BARRIE (BARRIE), B/M, 04/20/1986, NY DL 133826611. The employee also indicated that they were able to retain custody of the expended gift cards. During this time, your Affiant and IRS SA Scott Wells located the black male later identified as BARRIE loading cigarettes in to the vehicle described above. Your affiant and SA Wells followed this vehicle to the Sam's Club located at 745 West El Camino Alto Street in Springfield, Mo. At this Sam's Club, SA Patterson was inside the store and witnessed BARRIE purchasing approximately 60 cartons of Newport cigarettes. Surveillance crews witnessed BARRIE place the cigarettes into the Toyota bearing the Maryland license plate 6AE1789. This vehicle was then followed to the storage unit located in Nixa, Missouri. Surveillance footage showed that the subject then unloaded in excess of 120 cartons of cigarettes in to storage unit H-2. The vehicle then left the storage facility and was stopped by Missouri State Highway Patrol Trooper Ron Cole. Trooper Cole identified the driver, BARRIE, from his New York Driver's License as Alieu BARRIE, B/M, 04/20/1986, NY DL 133826611.

According to Trooper Cole, BARRIE stated he was currently living at 5040 N. Oak in Kansas City, Missouri. Trooper Cole was granted consent to search and located a Hertz Rental Agreement for the vehicle in the name of MAMADOU. BARRIE was then released.

12. On 05/28/2012, at approximately 0648 hours, while monitoring the surveillance camera on the storage unit, SA Patterson observed the above mentioned Toyota rental car with Maryland license 6AE1789 arrive at the storage unit. Then a Silver minivan bearing Iowa license 868YIW arrived at the storage unit. SA Patterson observed three Black Males entering and exiting the storage unit. SA Patterson identified two of the subjects, MAMADOU and BARRIE. MAMADOU was identified from his New York Driver's License photo and BARRIE was identified from previous surveillance. The third black male is currently unidentified. These subjects were observed to load several large bags and suit cases in to the minivan. SA Patterson also observed cartons of cigarettes being loaded in to the van. The subjects were then observed to be breaking down cardboard Newport cigarette shipping boxes. Once the vehicles were loaded, the individuals left the storage unit. Surveillance crews then followed the vehicles to the Super 8 Motel located in Nixa, Missouri. At approximately 0930 hours, both vehicles left the Motel and traveled to the Sam's Club located at 745 El Camino Alto Street. All three subjects entered the business and a short time later returned to their vehicles with a large flat screen TV. The TV was loaded in to the minivan.
13. A surveillance team followed the minivan which was occupied by one of the subjects. The vehicle left the Sam's Club and traveled on US 60 then North on US 65 and then on to I-44 eastbound. The surveillance team assisted by the Missouri State Highway Patrol followed the Minivan into the State of Illinois. After traveling several miles into Illinois, the minivan exited the interstate and drove into the city of Belleville. At approximately 1345 hours, ATF agents initiated an investigative stop of the vehicle at 632 72<sup>nd</sup> Street, Belleville, Illinois, believing the vehicle to contain in excess of 10,000 individual cigarettes with Missouri Tax Stamps in violation of Title 18, U.S.C., Section 2342. SA Chris Wiegner contacted the driver and sole occupant of the vehicle who was identified as BARRIE. SA Patterson approached the vehicle and opened one of the bags previously observed to be loaded into the vehicle. This bag was observed to contain in excess of 50 cartons (10,000 individual cigarettes). Based upon this observation, SA Patterson placed BARRIE under arrest for the section 2342 violation. BARRIE was transported to the Belleville Police Headquarters and the minivan was driven by law enforcement to the Police Station where it was searched.
14. A search of the vehicle revealed 579 cartons of Newport cigarettes -529 cartons had Missouri Tax Stamps, 3 had Arkansas Tax Stamps, and 47 had Oklahoma Tax Stamps. Some of the cartons were concealed in a cargo storage area in the floorboard of the vehicle. Also recovered from the vehicle were cell phones, the flat screen TV, and a Hertz rental agreement for the minivan. The rental agreement was in the name of MAMADOU and the vehicle was rented from Hertz at the Kansas City International Airport on 05/27/2012, and was scheduled to be returned on 05/30/2012 to Hertz at Laguardia International Airport in New York City.
15. On 05/28/2012, at the Belleville Police Department, IRS SA Scott Wells and SA Patterson conducted a post-Miranda interview of BARRIE. During the interview, BARRIE acknowledged that the gift cards he used for purchasing cigarettes from the Sam's Clubs came from MAMADOU. BARRIE was shown a New York Driver's License photo of MAMADOU. BARRIE positively identified the photograph as MAMADOU. BARRIE told Investigators that he

participated in the purchase of some of the gift cards knowing they were being purchased with stolen credit cards. BARRIE advised that he told MAMADOU that that was not a good idea because he had previously been arrested for a similar crime in Johnson County, Kansas. BARRIE stated he knew it was illegal to be in possession of 50 cartons of cigarettes. BARRIE stated he was getting paid \$800.00 from MAMADOU to transport the cigarettes. BARRIE stated this was his third trip transporting cigarettes back to New York City. BARRIE stated MAMADOU would have an unidentified subject call him when he got to New York City and that the unidentified subject would direct him where to leave the vehicle. BARRIE stated on his previous trips, he left a vehicle with cigarettes in Queens and one in Manhattan. BARRIE was asked how he purchased the flat screen TV and he advised MAMADOU gave him the gift cards to purchase the TV, which was suppose to go to someone in Africa. BARRIE was asked who the third subject seen with him and MAMADOU at the storage unit was. BARRIE only identified him as "L-BY".

16. BARRIE is currently on a federal hold and is being held in the St. Clair County Jail located in the Southern District of Illinois.

Based upon the foregoing evidence, there is probable cause to believe that , Alieu BARRIE (In custody) conspired with Barry MAMADOU, and an individual believed to be Sadou Diallo to commit the violation set forth in the Complaint herein.

/s/ Kathleen M. Aug  
Kathleen M. Aug  
Senior Special Agent

Subscribed and sworn before me this 30th day of May 2012.

/s/ James C. England  
James England  
Chief, United States Magistrate Judge